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4 UNITED STATES DISTRICT COURT
5 FOR THE WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 CRAIG PEDEN,

8 Plaintiff,

9 v.
10

11 CATHOLIC CHARITIES,

12 Defendant.
13

Case No. C17-1610RSM

ORDER DENYING PLAINTIFF'S
EMERGENCY MOTION FOR
INJUNCTION

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15 THIS MATTER comes before the Court on Plaintiff's Emergency Motion for Injunction,
16 which the Court construes as a Motion for Temporary Restraining Order ("TRO"). Dkt. #4.
17 Although not entirely clear, Plaintiff Craig Peden appears to move the Court for a TRO against
18 Defendant to restrain his eviction from a property located in Everett, WA.¹ Dkt. #3, *Attachment*.
19 The entirety of Plaintiff's hand-written motion reads:

20 Motion For Injunction
21 Required Immediately
22 Irreparable Harm
23 Termination of Lease and eviction if Catholic Charities does not pay the rent
24 Order Required
[Illegible]/Written to Request
The Injunction

25 Dkt. #4.
26
27

28 ¹ The Court notes that Plaintiff uses a Seattle address in conjunction with his Complaint and motion. *See* Dkt. #3.

1 Plaintiff alleges in his Complaint that Catholic Charities agreed to pay his rent for October
2 through the end of his lease in December 2017. Dkt. #3. He also appears to allege some type of
3 retaliation and discrimination, although he has not alleged that he is a member of any protected
4 class, nor has he provided the details of such allegations. *See id.* Plaintiff apparently received a
5 Notice of Belief of Abandonment related to an apartment in Everett, which also notes that his
6 lease will be terminated on October 31, 2017, unless he informs the manager of his intent not to
7 abandon his property, an address at which he can be served with certified mail, and his current
8 rent due. Dkt. #3, *Attachment*. The circumstances surrounding Plaintiff's allegations and request
9 are not apparent from the Complaint or the motion itself.
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11 In order to succeed on a motion for temporary restraining order, the moving party must
12 show: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm to the moving
13 party in the absence of preliminary relief; (3) that a balance of equities tips in the favor of the
14 moving party; and (4) that an injunction is in the public interest. *Winter v. Natural Res. Def.*
15 *Council, Inc.*, 555 U.S. 7, 20, 129 S. Ct. 365, 172 L. Ed. 2d 249 (2008). The Ninth Circuit
16 employs a "sliding scale" approach, according to which these elements are balanced, "so that a
17 stronger showing of one element may offset a weaker showing of another." *Alliance for the Wild*
18 *Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011).
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21 The Court finds that Plaintiff has presented insufficient evidence to warrant granting a
22 TRO in this case. First, it is not clear that Defendant has been served by Plaintiff with the instant
23 Motion or even his lawsuit. *See* Local Rule 65(b)(1) ("Motions for temporary restraining orders
24 without notice to and an opportunity to be heard by the adverse party are disfavored and will
25 rarely be granted.").

1 Second, even if Defendant had received notice, the Court finds that Plaintiff has failed to
2 meet his burden of demonstrating a likelihood of success on the merits in this case. Indeed,
3 Plaintiff provides no legal argument in support of his position, and the Court cannot actually
4 determine the basis of his claims.

5 Given these deficiencies, the Court hereby finds and ORDERS that Plaintiff's Motion for
6 Temporary Restraining Order (Dkt. #4) is DENIED.
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8 DATED this 30 day of October, 2017.
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13 RICARDO S. MARTINEZ
14 CHIEF UNITED STATES DISTRICT JUDGE
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